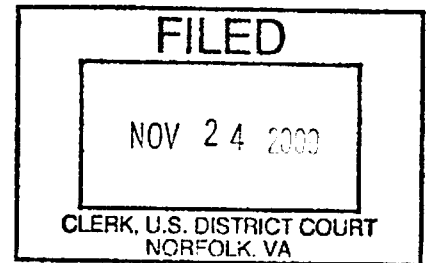


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



SHAWN D. NAILS,

Plaintiff,

v.

CIVIL ACTION NO. 2:08cv566

SOCIAL SECURITY ADM.,

Defendant.

ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge James E. Bradberry. Plaintiff Shawn D. Nails applied to the Commissioner of Social Security (the "Commissioner") seeking disability insurance benefits and supplemental security income. The Commissioner denied Plaintiff's request and an Administrative Law Judge ("ALJ") affirmed the denial. Plaintiff, acting pro se, brought this action to seek judicial review of the ALJ's decision.

Magistrate Judge Bradberry held in his Report and Recommendation that plaintiff failed to prosecute this case and comply with the orders of this Court and that the case should be dismissed pursuant to Federal Rule of Civil Procedure 41(b). The parties were directed to file any objections to the Magistrate Judge's Report and Recommendation within ten (10) days of the mailing of the report.

On August 28, 2009, the Court received a letter from plaintiff

requesting a hearing on his claim and requesting a public defender. Counsel for defendant filed a response to plaintiff's letter on September 1, 2009, requesting that the Court deny plaintiff's motion for appointment of counsel as well as his request for a hearing.

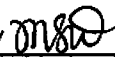
On September 4, 2009, the Court entered an Order advising plaintiff that the Court does not have authority to appoint counsel and that his letter would be construed as a general objection to the Magistrate Judge's Report and Recommendation. Plaintiff was given twenty (20) days within which to file specific objections to the report and recommendation.

On September 14, 2009, plaintiff filed a letter with the Court noting that he had been denied a public defender and requesting a hearing where he would proceed to represent himself. The Court construes this letter as plaintiff's response to its Order of September 4, 2009.

Having reviewed the record and finding no error, the Court **ACCEPTS** Magistrate Judge Bradberry's Report and Recommendation. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). The Court has reviewed the pleadings and finds that oral argument will not aid in the resolution of this matter and, therefore, it is not necessary. Therefore, the Court **DENIES** Plaintiff's motion for a hearing (Document No. 20), **GRANTS** Defendant's Motion to Dismiss (Docket No. 11), and **DISMISSES** this case.

The Clerk is **DIRECTED** to send a copy of this Order to Plaintiff, to all counsel of record, and to Magistrate Judge Bradberry.

IT IS SO ORDERED.

/s/ 
Mark S. Davis
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
November 24, 2009